

TRANSCRIPT OF PROCEEDINGS

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
RECEIVED WASHINGTON, D.C. 20554

JUN 1 2003

FCC-MAIL ROOM

In the Matter of:

BUSINESS OPTIONS, INC.

EB Docket No. 03-85

ORIGINAL

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

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HEARING

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IN THE MATTER OF:

BUSINESS OPTIONS, INC.

Order to Show Cause and
Notice of Opportunity for
Hearing

EB Docket No. 03-85

File No. ED-02-TC-151

NAL/Acct. No.
20332170002

FRN: 0007179054

Tuesday,
May 20, 2003

The above-entitled matter came on for hearing
at the Federal Communications Commission, in Room
TWA-363, 445 - 12th Street, S.W., Washington,
D.C. 20554, commencing at 9:33 a.m.

BEFORE:

RICHARD L. SIPPEL, Chief Administrative Law Judge

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APPEARANCES:

On Behalf of the Federal Communications Commission:

JAMES W. SHOOK, ESQ.
TRENT HARKRADER, ESQ.
Enforcement Bureau
Federal Communications Commission
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(202) 418-1420

On Behalf of Business Options, Inc.:

DANA FRIX, ESQ.
KEMAL HAWA, ESQ.
of: Chadbourne & Parke, LLP
1200 New Hampshire Avenue, N.W.
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Also Present:

DAVID WOLFE, FCC, Enforcement Division
KURTIS KINTZEL, Business Options

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1 P-R-O-C-E-E-D-I-N-G-S

2 (9:33 a.m.)

3 ADMINISTRATIVE JUDGE SIPPEL: All right.

4 Please be seated. The first prehearing conference in
5 EB Docket Number 03-85. I am going to ask for
6 appearances on the record. I am going to assume
7 everyone has given their names to the court-reporter,
8 but let's start with counsel for Business Options,
9 Inc.

10 MR. FRIX: Yes, sir. My name is Dana
11 Frix, of Chadbourne & Parke, LLP, on behalf of
12 Business Options.

13 ADMINISTRATIVE JUDGE SIPPEL: Good
14 morning, sir.

15 MR. HAWA: Kemal Hawa, of Chadbourne &
16 Parke.

17 ADMINISTRATIVE JUDGE SIPPEL: Good
18 morning.

19 MR. KINTZEL: I am Kurtis Kintzel, of
20 Business Options.

21 ADMINISTRATIVE JUDGE SIPPEL: You are with
22 the principal?

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1 MR. KINTZEL: Yes.

2 MR. FRIX: He is the CEO of Business
3 Options.

4 ADMINISTRATIVE JUDGE SIPPEL: Okay. Thank
5 you, sir. Good morning. On behalf of the Bureau?

6 MR. SHOOK: James Shook.

7 MR. HARKRADER: Trent Harkrader, Peter
8 Wolfe.

9 ADMINISTRATIVE JUDGE SIPPEL: That's it.
10 Okay. I have issued a prehearing order in this case,
11 and I am assuming that you all have it, and have had
12 a chance to digest it.

13 But we are primarily here for the purpose
14 today of getting some dates down, a hearing date
15 ultimately, and procedural dates. Is there anything
16 of a preliminary nature that anybody has before we get
17 into this? No? Do you have dates agreed to?

18 MR. SHOOK: We have talked about them,
19 yes. I mean, there may be some very slight
20 modification, because when we were discussing dates,
21 I did not take into account a Jewish holiday, and that
22 has been pointed out to me in the meantime that there

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1 is one, I believe, on October 6th

2 ADMINISTRATIVE JUDGE SIPPEL: October 6th.

3 Okay. And that is Yom Kippur?

4 MR. SHOOK: Right. And so we had talked
5 about starting the hearing on the 7th as one
6 possibility.

7 MR. FRIX: And we have alternative dates
8 of the week of the 21st.

9 MR. SHOOK: We did. And so we could do
10 that. That would allow us to start on a Tuesday, and
11 we anticipate that we should be able to accomplish
12 what we need to in that week.

13 ADMINISTRATIVE JUDGE SIPPEL: Well, that's
14 pretty close to what I have. I was thinking -- well,
15 never mind what I was thinking. You are agreeing to
16 start on October 21st?

17 MR. SHOOK: Yes, sir.

18 ADMINISTRATIVE JUDGE SIPPEL: And then you
19 think we can accomplish the hearing in that week?

20 MR. SHOOK: We are certainly hopeful.

21 ADMINISTRATIVE JUDGE SIPPEL: And then we
22 back down from there on the other dates. Okay. I had

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1 scratched out my own, and you are not far apart at
2 all.

3 So, all right, for the hearing let's go
4 with October 21st, a Tuesday, of 2003. Okay. And you
5 want to back down on these? I have a provision in
6 here for a trial, but I know that I kind of made that
7 indefinite in the prehearing order, but after
8 rereading it, the trial briefs will be exchanged on by
9 certain day,

10 It does not have to be anything fancy.
11 Just the specifics as I indicated in the order that we
12 talked about. All right. Give us a date on that.
13 Just a couple of days before the hearing would be fine
14 with me. How about the 16th? Is that doable?

15 MR. FRIX: Could I suggest the 15th?

16 ADMINISTRATIVE JUDGE SIPPEL: Sure. Mr.
17 Shook?

18 MR. SHOOK: That's fine.

19 ADMINISTRATIVE JUDGE SIPPEL: October
20 15th, exchange trial briefs. And my copy just comes
21 to me, and the courtesy copy comes to me by fax or
22 hand-delivered.

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1 I don't care what you do in addition to
2 that with e-mail, but I really have to require a hard
3 copy, because sometimes I get in earlier than other
4 people do, and the fax machine here, I know how to get
5 it, but someplace else I don't necessarily have the
6 access.

7 Okay. The next that I am backing down on
8 I guess would be objections to witnesses cross-
9 examination. Do you have a comfortable date for that?

10 MR. HAWA: We had talked about September
11 23rd, and I guess we could move that forward about a
12 week, given the issues.

13 ADMINISTRATIVE JUDGE SIPPEL: Okay.
14 September 30th.

15 MR. SHOOK: That's fair.

16 ADMINISTRATIVE JUDGE SIPPEL: And the
17 exchange of direct cases.

18 MR. SHOOK: I think Tuesday, September
19 16th.

20 ADMINISTRATIVE JUDGE SIPPEL: Tuesday
21 September 16th.

22 MR. SHOOK: Right.

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1 (Further Discussion off the record.)

2 (Whereupon, at 9:44 a.m., the hearing was

3 concluded.)

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CERTIFICATE


This is to certify that the foregoing transcript in the
matter of: EB Docket No. 03-85

Before: Federal Communication Commission

Date: May 20, 2003

Place: Washington, DC

represents the full and complete proceedings of the
aforementioned matter, as reported and reduced to
typewriting.



A handwritten signature in black ink, appearing to read "K. L. F. B.", is written over a horizontal line.